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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,841	09/14/2000	Graham S. Tubbs	042390.P9741	1651

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EXAMINER

PATEL, NIKETA I

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 05/25/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/661,841

Applicant(s)

TUBBS ET AL.

Examiner

Niketa I. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Floman et al. U.S. Patent Number: 6,684,324 (hereinafter referred to as "*Floman*".)

3. **Referring to claim 1**, *Floman* teaches a mobile communication device comprising: a first processor adapted to execute a user application [see figure 1 - element 2a; column 4 - lines 1-22]; a second processor adapted to process a wireless communication wherein the second processor is capable of initiating the wireless communication independently of the first processor [see figure 1 - element 2b; column 4 - lines 1-22]; and an input port coupled to the first processor and the second processor [see figure 1 - elements 10, 8a, 8b; column 4 - lines 23-44.]

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4. **Referring to claim 2**, *Floman* teaches the mobile communication device further comprising a display, wherein the first processor and the second processor are further adapted to display information on the display [see figure 1 - elements 5a, 5b; column 4 - lines 23-44.]

5. **Referring to claim 3**, *Floman* teaches the mobile communication device further comprising an interface adapted to couple the first processor to the second processor [see figure 1 - elements 10, 8a, 8b; column 4 - lines 23-44.]

6. **Referring to claim 4**, *Floman* teaches the mobile communication device wherein the interface comprises a Peripheral Components bus [see figure 1 - element 10; column 4 - lines 23-44.]

7. **Referring to claim 5**, *Floman* teaches the mobile communication device wherein the interface comprises a serial bus [see figure 1 - element 10; column 4 - lines 23-44.]

8. **Referring to claim 6**, *Floman* teaches the mobile communication device wherein the interface is adapted to provide the second processor user data from the input port [see figure 1 - elements 10, 8a, 8b; column 4 - lines 23-44.]

9. **Referring to claim 7**, *Floman* teaches the mobile communication device further comprising: a first memory coupled to the first processor [see figure 1 - elements 4a, 4b] and a

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second memory coupled to the second processor [see figure 1 - elements 4a, 4b.]

10. **Referring to claim 8**, *Floman* teaches the mobile communication device further comprising: a first power source coupled the first processor [see figure 1 - element 2a; column 4 - lines 1-22, i.e. PDA]; and a second power source coupled to the second processor [see figure 1 - element 2b; column 4 - lines 1-22, i.e. Cellular Mobile Telephone.]

Although *Floman* teaches a PDA and a Cellular Mobile Telephone (see column 4 - lines 1-22), *Floman* is silent about a power source of these devices. However, a power source is deemed to be inherent to the *Floman* apparatus as lines 55-67 of column 2 shows that these devices are used to install and update software, which would require the these devices to be powered up. Also, a power supply is essential for an operation of a PDA and a Cellular Mobile Telephone as it provides power to various components.

11. **Referring to claim 9**, *Floman* teaches the mobile communication device wherein the second processor comprises a digital signal processor [see figure 1 - elements 2a, 2b; column 4 - lines 1-22.]

12. **Referring to claim 10**, *Floman* teaches the mobile communication device wherein the first processor is further

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adapted to execute a user application independently of the second processor [see figure 1 - element 2a; column 4 - lines 1-22.]

13. **Referring to claim 11**, *Floman* teaches the mobile communication device comprising: a non-volatile memory [see column 4 - lines 57-66]; an input port [see figure 1 - element 8a, 8b]; an application subsystem coupled to the input port [see figure 1 - element 2a]; and a wireless subsystem coupled to the input port and to the non-volatile memory [see figure 1 - element 2b.]

14. **Referring to claim 12**, *Floman* teaches the mobile communication device further comprising an interface to couple the application subsystem to the wireless subsystem [see figure 1 - element 8a, 8b]

15. **Referring to claim 13**, *Floman* teaches the mobile communication device wherein the interface comprises a serial interface [see figure 1 - element 10; column 4 - lines 23-44.]

16. **Referring to claim 14**, *Floman* teaches the mobile communication device wherein the wireless subsystem comprises a digital signal processor [see figure 1 - elements 2a, 2b; column 4 - lines 1-22.]

17. **Referring to claim 15**, *Floman* teaches the mobile communication device wherein the wireless subsystem further

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comprises a transmitter and receiver [see figure 1 - elements 11; column 4 - lines 32-36.]

18. **Referring to claim 16**, *Floman* teaches the mobile communication device wherein the application subsystem is adapted to execute a user application and process data provided with the input port [see figure 1 - element 2a; column 4 - lines 1-22]

19. **Referring to claim 17**, *Floman* teaches the mobile communication device wherein the interface couples the wireless subsystem to the input port [see figure 1 - element 8a, 8b.]

20. **Referring to claim 18**, *Floman* teaches a method of processing a communication comprising: providing data to an application subsystem through an input port [see figure 1 - element 2a; column 4 - lines 1-22]; and providing data to a wireless subsystem through the input port to initiate a wireless communication, the wireless subsystem and the application subsystem being within a mobile communication device [see figure 1 - element 2b; column 4 - lines 1-22.]

21. **Referring to claim 19**, *Floman* teaches the method wherein providing data to the application subsystem includes providing data through an interface [see figure 1 - element 8a, 8b.]

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22. **Referring to claim 20**, *Floman* teaches the method wherein providing data to the wireless subsystem includes providing data through an interface [see figure 1 - element 8a, 8b.]

23. **Referring to claim 21**, *Floman* teaches the method further comprising executing an application with the application subsystem independently of the wireless subsystem [see figure 1 - element 2a; column 4 - lines 1-22.]

#### ***Response to Arguments***

24. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS



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of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

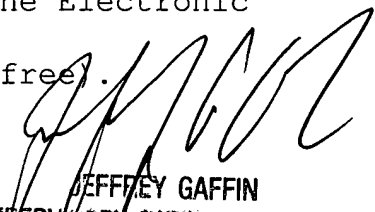
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (703) 305 4893. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (703) 308 3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP  
05/20/2004



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